

**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE NORTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION**

In the Matter of:)	
)	CASE NO. 24-81638-CRJ11
THE YOUNG MEN’S CHRISTIAN)	
ASSOCIATION OF METROPOLITAN)	CHAPTER 11
HUNTSVILLE, ALABAMA D/B/A HEART)	
OF THE VALLEY YOUNG MEN’S)	
CHRISTIAN ASSOCIATION,)	
)	
Debtor.)	
<hr style="width:40%; margin-left:0"/>)	

MOTION TO AUTHORIZE USE OF EXISTING BANK ACCOUNT

COMES NOW, The Young Men’s Christian Association of Metropolitan Huntsville, Alabama doing business as the Heart of the Valley Young Men’s Christian Association, as Debtor and Debtor-in-Possession (“Debtor”), and files this Motion to Authorize Continued Use of Existing Bank Account and in support thereof would show:

1. This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. § 1344. This matter constitutes a core matter under 28 U.S.C. § 157(b). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.
2. Debtor filed for relief under Chapter 11 in this district and division on August 23, 2024.
3. The Debtor is a nonprofit corporation and a member of the National Council of Young Men’s Christian Associations of the United States of America and operates as the Heart of the Valley YMCA. Debtor operates YMCA programs, such as childcare, teen leadership development programs, after school programs, youth sports, day and specialty camp programs, fitness classes, aquatics, health screening, and numerous volunteer opportunities.

4. Pre-petition the Debtor opened a bank account at Trustmark Bank located in Huntsville, Alabama. The Debtor has not used this account as it was opened in anticipation of filing bankruptcy.
5. The Debtor has or will be filing its monthly operating reports in this case. These reports and the accompanying bank reconciliation can establish a clear demarcation between pre-petition and post-petition transactions and prevent the unauthorized payment of pre-petition claims. Also, the structure of the Bank Account allows the Debtor to efficiently monitor and control all of its post-petition cash receipts and disbursements.
6. The nature of the Debtor's business and the Debtor's unique circumstances warrant allowing it to continue use of the existing Bank Account, instead of closing such account and opening a new post-petition bank account. Moreover, the Debtor is prepared to meet all reporting requirements imposed upon it pursuant to this Court's operating order. It is further willing to provide the Bankruptcy Administrator copies of its pre-petition bank accounts. Thus, Debtor submits that the granting of the relief requested will not prejudice any parties in interest herein.
7. Debtor submits that it has the capacity to draw the necessary distinctions between pre- and post-petition obligations and payments without closing the Bank Account and opening a new account. Accordingly, by this Motion, the Debtor seeks authorization to maintain its Bank Account at Trustmark Bank.

WHEREFORE, PREMISES CONSIDERED, Debtor, The Young Men's Christian Association of Metropolitan Huntsville, Alabama doing business as the Heart of the Valley Young Men's Christian Association, respectfully requests that this Honorable Court enter an

Order approving Debtor's motion to continue use of the existing Bank Account, and grant such further and additional relief to which the Debtor may be justly entitled.

Respectfully submitted this the 24th day of August, 2024.

/s/ Kevin D. Heard

Kevin D. Heard

/s/ Angela S. Ary

Angela S. Ary

Counsel for Debtor
HEARD, ARY & DAURO, LLC
303 Williams Avenue, Suite 921
Huntsville, Alabama 35801
(256) 535-0817
kheard@heardlaw.com
aary@heardlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of August, 2024, I served a copy of the foregoing **MOTION TO AUTHORIZE USE OF EXISTING BANK ACCOUNT** on the parties listed below, and on the clerks certified matrix, by depositing the same in the United States Mail, postage prepaid and properly addressed, via electronic mail at the e-mail address below, unless the party being served is a registered participant in the CM/ECF System for the United States Bankruptcy Court for the Northern District of Alabama, service has been made by a "Notice of Electronic Filing" pursuant to FRBP 9036 in accordance with subparagraph II.B.4. of the Court's Administrative Procedures as indicated below:

Notice will be electronically mailed to:

Richard Blythe

Richard_Blythe@alnb.uscourts.gov, courtmaildec@alnb.uscourts.gov

Notice will not be electronically mailed to:

MAILING MATRIX IS SERVED BY U.S. MAIL

/s/ Kevin D. Heard

Kevin D. Heard